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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,618	09/29/2004	Erik Baechle	47393	7841

1609 7590 06/27/2006

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WASHINGTON,, DC 20036

EXAMINER
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ROJAS, BERNARD

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/509,618

Applicant(s)

BAECHLE ET AL.

Examiner

Bernard Rojas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-17, 19-21 and 25-27 is/are rejected.
- 7) ☒ Claim(s) 18, 22-24 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 04102006.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claim 15 has been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 15-17, 20, 21, 26 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Letzel et al. [US 6,539,760].

Claim 15, Letzel et al. discloses a locking system for a safety switch [figure 7] to monitor a protective device on a machine [abs], comprising a read head [5] having a first component set with electric structural components coupled to one of the protective device and the machine; an actuator [6] having a second component set [12] with electric structural components mounted on the other of the protective device and the machine, said first and second components interacting without electrical contact to control the safety switch [col. 4 lines 5 to 15]; a switchable electromagnet [22] mounted on said read head and generating a magnetic field; a counterelement [18] mounted on

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said actuator and operable with said electromagnet to lock said actuator on said read head; and a sensor element [33] controlling a locking force of said actuator and said read head caused by the magnetic field and having an output signal being a function of the magnetic field generated by said electromagnet [the electromagnet creates a magnetic field that moves the armature and the transmitter 32 that is sensed by the sensor 33].

Claim 16, Letzel et al. discloses a locking system according to claim 15 wherein said sensor element generates an analog output signal [processed by the evaluation device 19] being a function of an intensity of the magnetic field generated by said electromagnet [is the field is present, transmitter 32 is brought into close proximity with sensor 33, if no field is present, transmitter 32 is separated from sensor 33].

Claim 17, Letzel et al. discloses a locking system according to claim 15 wherein magnitudes of said locking force are adjustable [the locking force can be used to retain the actuator or adjusted to release the actuator, col. 4 lines 41 to 49].

Claim 20, Letzel et al. discloses a locking system according to claim 15 wherein said sensor element is mounted on said read head [figure 7].

Claim 21, Letzel et al. discloses a locking system according to claim 15 wherein said sensor element has two switching states as functions of said magnetic field [when the electromagnet is energized, the field created move the transmitter 32 to a position where the sensor 33 detects its presence, when the electromagnet is de-energized; the lack of a field move the transmitter 32 away from the sensor 33]; and said second

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component set is controlled by said switching states of said sensor element [the second component set is either held adjacent to or allowed to separate from the read head 5].

Claim 26, Letzel et al. discloses a locking system according to claim 15 wherein said sensor element is a read switch [col. 4 lines 34 to 36].

Claim 27, Letzel et al. discloses a locking system according to claim 15 wherein said sensor element is a Hall element [col. 4 lines 34 to 36].

### ***Claim Rejections - 35 USC § 103***

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Letzel et al. [US 6,539,760].

Claim 19, Letzel et al. discloses the claimed invention except for mounting the sensor on the actuator. It would have been obvious to one having ordinary skill in the art at the time the invention was made to move the sensor from the read head to the actuator, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Letzel et al. [US 6,539,760] in view of Roth et al. [US 6,609,738].

Claim 25, Letzel et al. discloses a locking system according to claim 15 with the exception of mounting the sensor on an adjustable mount.

Roth et al. teaches mounting a sensor [24] on an adjustable means so that the detection area of the sensor can be easily adjusted [col. 9 lines 25 to 32].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a similar adjustment mechanism as taught by Roth et al. for the sensor of Letzel et al. in order to allow for easy modification of the sensor detection area by moving the sensor.

#### ***Allowable Subject Matter***

Claims 18, 22, 23, 24 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard Rojas whose telephone number is (571) 272-1998. The examiner can normally be reached on M-F 8-4:00), every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Barclay R. Ryan*  
Br

*[Signature]*  
ELVIN ENAD  
SUPERVISORY PATENT EXAMINER  
6/23/06